

**GRAY & LLOYD, L.L.P.**

**ATTORNEYS AT LAW**

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**E. CROUSE GRAY, JR.\***

**BENITA A. LLOYD\*\***

**\*Superior Court Certified Mediator**

**\*\*Certified Family Financial Mediator**

Phone (252) 441-4338

Fax (252) 441-8414

October 14, 2016

**VIA HAND DELIVERY**

Mr. Wes Haskett  
Town Planner/Code Enforcement Officer  
Town of Southern Shores  
5375 N. Virginia Dare Shores  
Southern Shores, NC 27949

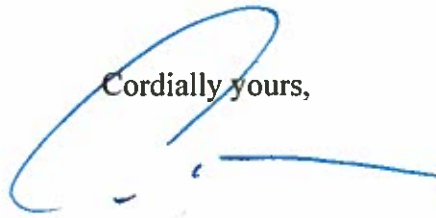
Re: Akers Family, LLC - Appeal to Board of Adjustments  
193 N. Dogwood Trail, Southern Shores, NC 27949  
My File No. 12850-001

Dear Mr. Haskett:

Enclosed please find original executed notarized Notice of Appeal, along with check in the amount of \$350.00. Unfortunately, due to the hurricane, there was a delay in providing this to you. I would request that the matter be placed on for hearing. Please keep this office advised as to the proposed hearing date.

With best wishes, I am

Cordially yours,

A handwritten signature in blue ink, appearing to be 'E. Crouse Gray, Jr.', with a large, stylized initial 'E'.

E. Crouse Gray, Jr.

ECGjr:kmg

Enclosure

cc: Mr. Gregory Akers (via e-mail)

Mr. Ralph D. Calfee (via e-mail)

Mr. Ashley Belvin (via e-mail)

N:\WORD\Clients\A\Akers Gregory\12850-001 Issues with the Town of Southern Shores ( Op. 03 14 16)\Haskett Ltr 101416.wpd



## TOWN OF SOUTHERN SHORES

5375 N Virginia Dare Trl, Southern Shores, NC 27949

(252) 261-2394 tel (252) 255-0876 fax

[www.southernshores-nc.gov](http://www.southernshores-nc.gov)

Application No. \_\_\_\_\_ Date \_\_\_\_\_

Application Fee \$350.00 Receipt No. \_\_\_\_\_

THIS FORM IS A NOTICE OF APPEAL TO THE BOARD OF ADJUSTMENT. THE BOARD OF ADJUSTMENT MAY HEAR AND DECIDE APPEALS OF ADMINISTRATIVE DECISIONS OF ADMINISTRATIVE OFFICIALS CHARGED WITH ENFORCEMENT OF THE TOWN'S ZONING ORDINANCE OR ANY OTHER ORDINANCE THAT REGULATES LAND USE OR DEVELOPMENT AS PROVIDED UNDER THE TOWN CODE OF ORDINANCES. ADDITIONAL PAGES MAY BE ATTACHED TO ANSWER ANY QUESTIONS IN THE APPLICATION OR TO PROVIDE ANY SUPPLEMENTAL INFORMATION.

1. Applicant Name Akers Family, LLC

Mailing Address 193 N. Dogwood Trail

City Southern Shores State NC Zip Code 27949

Telephone 919.345.4525

2. Property Owner Name (If different from Applicant) Same as Applicant

Mailing Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Telephone \_\_\_\_\_

3. Property (If decision being appealed is specific to a particular property):

Street Address 193 N. Dogwood Trail, Southern Shores, NC 27949

Tax Parcel Identification Number 021775000

Subdivision Name Southern Shores Section# \_\_\_\_\_ Lot# 3

Zoning District Classification Residential

Current Use of Property Residential

4. Date of administrative decision being appealed 9/12/16

5. Attach a copy of the administrative decision being appealed. (Please consult Town Code Sec. 36-366 (a)(1) for examples of appealable administrative decisions.)

6. Describe the specific provisions or portions of the decision being appealed.

Town Planner/Code Enforcement Officer declined to render the  
requested formal interpretation.

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7. Specify the grounds for your appeal. Fully explain how the administrative official inaccurately interpreted and/or applied the terms of the Town's Zoning Ordinance or other applicable ordinance. What do you believe to be the correct answer, and why?

The requested interpretation is not materially similar to a denial  
issued on 2/24/16.

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8. If you are not the property owner, or if the decision was not issued to you, explain the facts which give you standing to appeal the administrative decision. (Please consult Town Code Sec. 36-366(b)(1) and G.S. 160A-393(d) to determine whether or not you have standing. If you have questions about standing, you may wish to consult an attorney.)

N/A

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9. List the names and addresses of all abutting property owners and the owners of property immediately across the street from the property affected. The list shall be current according to the most recent tax listing abstract as filed in the office of the Dare County Tax Supervisor. (If you posted a sign on the property affected in the manner provided by Town Code Sec. 36-362(b), please indicate the date of such posting and provide any pictures you may have of the posting).

See attached.

10. Are any attachments being submitted with this application? Yes X No \_\_\_\_

If yes, please identify attachments and number of pages.

E-mail from Wes Haskett dated 9/12/16.

### **FILING OF APPLICATION**

Notice of Appeal applications are filed with the Town of Southern Shores Planning and Code Enforcement Department at Town Hall located at 5375 N. Virginia Dare Trail, Southern Shores, NC. Applications may be filed in person Monday through Friday during normal office hours or may be mailed to the previously listed address. In order for an application to be considered complete all questions and information requested in the application must be answered and provided. Applications must have original notarized signatures of the applicant and must be accompanied by the required application fee. Applications found to be incomplete will not be accepted and will be returned to the applicant.

### **SCHEDULING OF APPLICATION**

Applications submitted will be placed on the following month's Board agenda. The monthly filing deadline and Board meeting dates for the year are listed on the Town's website at [www.southernshores-nc.gov](http://www.southernshores-nc.gov) under Planning and Code Enforcement Department or you may receive a copy by contacting the Department at (252) 261-2394.

### **HEARING OF APPLICATION**

The Planning Board serves as the Board of Adjustment which is a quasi-judicial body governed by the North Carolina General Statutes and Chapter 36, Article XII of the Southern Shores Town Code. Meetings are held in the Pitts Center located at the Town of Southern Shores Municipal Complex. At the meeting, the Board will hear testimony and receive evidence from the applicant, Town Staff and other interested parties. Board members cannot discuss any case with any interested parties or persons prior to the public hearing of the case. Any person who testifies at the hearing must be sworn in and any written or physical evidence presented to the Board will be retained by the Board.

### **BOARD DECISION**

A majority of the members shall be required to determine an appeal made in the nature of certiorari. The board may reverse or affirm, wholly or partly, or may modify the decision appealed from and shall make any order, requirement, decision, or determination that ought to be made. The Board's decision will be made, reduced to writing, filed, served and subject to appeal in the manner provided by Section 36-368 of the Southern Shores Town Code. Decisions of the Board may be appealed by any aggrieved party to Superior Court within 30 days from the effective date of the Board's decision.

### **ADDITIONAL INFORMATION**

Persons seeking additional information or assistance concerning variance applications should contact the Zoning Administrator at the Planning and Code Enforcement Department at (252) 261-2394.

**CERTIFICATION**

I certify that the information filed by me in this application is accurate to the best of my knowledge, information, and belief.

[Signature]  
Property Owner Signature

10/13/16  
Date

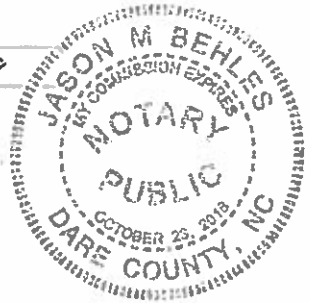
STATE OF North Carolina, COUNTY OF Dare

On this 13th day of October, 20 16

Gregory N Akers personally appeared before me and is known to me to be the person who signed the foregoing instrument and he/she acknowledged that he/she signed the same and being duly sworn by me, made oath that the statements in the foregoing instrument are true.

Signature of Notary Public [Signature]

My Commission expires Oct 23, 2018, 20 18



**CERTIFICATION BY APPLICANT OTHER THAN PROPERTY OWNER**

I \_\_\_\_\_ (your name) file this application on the behalf of \_\_\_\_\_ (property owner name).

I am the \_\_\_\_\_ (attorney, contractor, etc.) for the property owner in this matter and file this application with the full knowledge and consent of the property owner. I certify that the information filed by me in this application is accurate to the best of my knowledge, information, and belief.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

STATE OF \_\_\_\_\_, COUNTY OF \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

\_\_\_\_\_ personally appeared before me and is known to me to be the person who signed the foregoing instrument and he/she acknowledged that he/she signed the same and being duly sworn by me, made oath that the statements in the foregoing instrument are true.

Signature of Notary Public \_\_\_\_\_

My Commission expires \_\_\_\_\_, 20 \_\_\_\_\_

Attachment to Notice of Appeal to Board of Adjustments

9. List the names and addresses of all abutting property owners and the owners of property immediately across the street from the property affected. The list shall be current according to the most recent tax listing abstract as filed in the office of the Dare County Tax Supervisor. (If you posted a sign on the property affected in the matter provided by Town Code Sec. 36-262(b), please indicate the date of such posting and provide any pictures you may have of the posting.

1. David V. Barker and Johanna W. Barker, 226 N. Dogwood Trail, Southern Shores, NC 27949

2. Jessica Penson-Heyder, Trustee, pursuant to Trust Agreement dated June 24, 1986, for the benefit of Dietrich Walter Heyder, et. al. and denominated the "Dr. Dietrich Walter Heyder Children's Trust", PO Box 347, Powells Point, NC 27966

3. Regis M. Burek and Lynda G. Burek, PO Box 8130, Duck, NC 27949

4. Maggie Badger-Sears, 191 N. Dogwood Trail, Kitty Hawk, NC 27949